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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,202	04/14/2005	Steffen Hasenzahl	032301.415	6755
25461 7590 01/06/2010 SMITH, GAMBRELL & RUSSELL SUITE 3100, PROMENADE II 1230 PEACHTREE STREET, N.E. ATLANTA, GA 30309-3592				
EXAMINER				
GODENSCHWAGER, PETER T				
ART UNIT		PAPER NUMBER		
1796				
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01/06/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Amendment

The Declaration under 37 CFR 1.132 filed December 18, 2009 is insufficient to overcome the rejection of claims 1 and 2 based upon Ettlinger et al. (EP 0672731) under 35 U.S.C. 102(b) and the rejection of claim 4 based upon Ettlinger et al. in view of Koehlert et al. (US Pat. No. 5,928,723) under 35 U.S.C. 103(a) as set forth in the last Office action because: The Declaration does not account for the broad interpretation of "structurally modified" afforded by the instant specification to include the *molecular* structure modifications as taught by Ettlinger et al. (Pg. 1, Lns. 15-25 and Pg. 1, Lns. 30-32 of English machine translation) as the instant specification has not defined the term "structurally modified" to exclude such *molecular* structure modifications.

Response to Arguments

Applicant's arguments filed December 18, 2009 have been fully considered but they are not persuasive.

Applicant's arguments regarding the Declaration under 37 CFR 1.132 filed December 18, 2009 have been sufficiently responded to above.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER F. GODENSCHWAGER whose telephone number is (571)270-3302. The examiner can normally be reached on Monday-Friday 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571) 272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo/
Supervisory Patent Examiner, Art Unit 1796

/P. F. G./
Examiner, Art Unit 1796